



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/737,141

12/15/2003

Ajit P. Joshi

42P16772

6353

59796

7590

11/26/2008

INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

HAILE, AWET A

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/737,141	Applicant(s) JOSHI ET AL.	
	Examiner AWET HAILE	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 35-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Please note that AU 2616 has been changed to AU 2416

Response to Amendment

1. **Claims 1-33 and 35-39** are pending on this application.

Claim 34 is cancelled.

Response to Arguments

2. Applicant's arguments filed on **07/31/2008** have been fully considered but they are not persuasive.

Regarding claims, 1-33 and 35-39, the applicant argued that ".....Dureau does not teach or suggest at least the following claimed element: "determining whether the media item needs intelligent transcoding to be played on the particular rendering device, wherein if the media item needs intelligent transcoding, then intelligently transcoding the media item, wherein intelligent transcoding includes at least one of transcoding, transcaling, transrating, transformattng, and transcribing....." page 12 paragraph 2.

In response to applicant's argument, the examiner respectfully disagrees with the argument above.

Dureau teaches, determining whether the media item needs intelligent transcoding to be played on the particular rendering device(see paragraphs 35-36, 47 and Fig. 6 steps 602-606, i.e. NG receiver 340 determining whether to transcode received data by

Art Unit: 2416

determining the target format(format supported by the device 352) and received data format, notice, Dureau' 860 also teaches this limitation on paragraph 34, lines 12-15 “*Receiver 340 may then offer the transcoding required for devices 352 to communicate and exchange data one another, as well as with external location such as via internet 371*”);

wherein if the media item needs intelligent transcoding, then intelligently transcoding the media item(see paragraphs 34-36, 47 and Fig. 6 steps 606-612, i.e. based on the decision made on step 606, if transcoding is required transcoding the received data step 612);

wherein intelligent transcoding includes **at least one of** transcoding, transcaling, transrating, transformatting, and transcribing (see paragraphs 34-36, 47 and Fig. 6 steps 602 -612, i.e. NG receiver 340 transcoding, transformatting and transrating, if received multimedia content is not supported by devices 352, notice, since the alternative word **at least one of** is used examiner equates applicants intelligent transcending as Dureau' 860's transcoding/transformatting/transrating). Thus, it is clear that Dureau '860 discloses the claimed invention.

In response to applicant's argument “....Sull et al. does not teach or suggest all of the features missing from Dureau.....” page 13, paragraph 2. One must consider the combined system of Dureau '860 and Sull '218 as a **whole**, rather than individually as incorrectly stated by applicant above. One cannot show nonobviousness by attacking

references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument "...Safadi does not teach or suggest all of the features missing from Dureau...." page 13, paragraph 4. One must consider the combined system of Dureau '860 and Safadi '086 as a **whole**, rather than individually as incorrectly stated by applicant above. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument "...Safadi does not teach or suggest all of the features missing from Dureau...." page 13, paragraph 4. One must consider the combined system of Dureau '860 and Safadi '086 as a **whole**, rather than individually as incorrectly stated by applicant above. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument "...Amini et al does not teach or suggest all of the features missing from Dureau...." page 13, paragraph 6. One must consider the combined system of Dureau '860 and Amini '102 as a **whole**, rather than individually as

Art Unit: 2416

incorrectly stated by applicant above. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument "...Crouch et al does not teach or suggest all of the features missing from Dureau....." page 13, paragraph 6. One must consider the combined system of Dureau '860 Amini '102 and Crouch '724 as a **whole**, rather than individually as incorrectly stated by applicant above. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections – 35 USC§ 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-6, 8-11, 13-18, 20-23, 25, 29-33 and 35-38** are rejected under 35 U.S.C. 102(e) as being anticipated by Dureau(US 2003/0135860).

Regarding claim 1, Dureau '860 discloses, a multimedia conversion method (see paragraphs 33-35 and Fig. 3, i.e. NG Receiver 340 providing multimedia content conversion/ transcending) comprising: enabling a user to select a media item that the user desires to have played on a particular rendering device on a network (see paragraph 33 lines 25-31 and Fig. 3, i.e. NG Receiver 340 processing user multimedia content requests received via device 352);

requesting the media item from a service provider (see paragraph 35 i.e. NG Receiver 340, receiving a request from devices 352 and forwarding the request to internet service provider via internet 371); receiving the media item (see paragraphs 35- 36 and Fig. 3, i.e. NG receiver 340 receiving HTML from the service provider, intended to PDA 352E and video image from camera 352B, then transmitting it to PDA352E);

determining whether the media item needs intelligent transcoding to be played on the particular rendering device(see paragraphs 35-36, 47 and Fig. 6 steps 602-606, i.e. NG receiver 340 determining whether to transcode received data by determining the target format(format supported by the device 352) and received data format, notice, Dureau' 860 also teaches this limitation on paragraph 34, lines 12-15 “ *Receiver 340 may then offer the transcoding required for devices 352 to communicate and exchange data one another, as well as with external location such as via internet 371*”).

wherein if the media item needs intelligent transcoding, then intelligently transcoding the media item(see paragraphs 34-36, 47 and Fig. 6 steps 606-612, i.e. based

Art Unit: 2416

on the decision made on step 606, if transcoding is required transcoding the received data step 612),

wherein intelligent transcoding includes **at least one of** transcoding, transcaling, transrating, transformatting, and transcribing(see paragraphs 34-36, 47 and Fig. 6 steps 602 -612, i.e. NG receiver 340 transcoding, transformatting and transrating, if received multimedia content is not supported by devices 352, notice, since the alternative word **at least one of** is used examiner equates applicants *intelligent transcending* as Dureau' 860's transcoding/transformatting/transrating) and streaming the media item to the particular rendering device(see paragraph 36 and Fig. 3, i.e. NG Receiver 340 receiving video stream from camera 352B, change the format and then transmit to PDA352E).

Regarding claim 2, Dureau '860 discloses, wherein determining whether the media item needs intelligent transcoding to be played on the particular rendering device further comprises determining whether intelligent transcoding can be performed (see paragraph 34 and 47, and Fig.6 steps 606- 610 , i.e. checking if received media format is supported at step 610).

Regarding claim 3, Dureau '860 discloses, wherein determining whether intelligent transcoding can be performed comprises: determining whether the format of the media item can be transcoded(see paragraph 34, Fig 6 Fig 6 step 606 “ Transcode required? ”); determining whether a required platform usage to perform intelligent transcoding is available(see paragraph 40, control unit 302 executes operating system

Art Unit: 2416

stored in memory 304, therefore, control unit 302 determines the platform needed for transcoding); and determining whether there is enough bandwidth on the network to perform intelligent transcoding (paragraph 35, lines 34-38, control unit 302 determine communication link bandwidth between receiver 12 and PDA352E).

Regarding claim 4, Dureau '860 wherein determining whether the format of the media item can be transcoded comprises using a rules engine to look up rules (Fig 3, Memory subsystem 304, stores software and protocols), based on policy, to determine whether the format of the media item can be transcoded (Fig 3, Control Unit 302 determines, whether or not transcoding is necessary using the rules stored in memory system 304).

Regarding claim 5, Dureau '860 discloses, wherein determining whether the media item needs intelligent transcoding to be played on the particular rendering device includes determining device capabilities for the particular rendering device (see Fig. 6, step 604) and determining whether the media format of the media item can be played on the particular rendering device (see Fig 6, step 606, see also paragraph 47).

Regarding claim 6, Dureau '860 discloses, wherein control points and discovery methods are used to determine the device capabilities (see paragraph 46, receiver 12 uses a plug- and- play functionality to discover new device capability).

Regarding claim 8, Dureau '860 discloses, wherein the transcaling comprises changing the resolution of the media item(see paragraph 36, lines 16-22, note: changing a video image from camera 352B to still picture, so that it can be displayed on the PDA352E requires a resolution change).

Regarding claim 9, Dureau '860 discloses, wherein the transrating comprises changing or reducing the bitrate of the media item (paragraph 35, lines 34-38, Note: by compressing the received data receiver 340 achieve data bitrate reduction).

Regarding claim 10, Dureau '860 discloses, wherein the transcoding comprises converting the format of the media item into another media format (paragraph 37, Receiver 340 changes the received signal/data format, into another format if it's necessary).

Regarding claim 11, Dureau '860 wherein the transformatting comprises converting packaging of the media format to another media packaging format (see paragraph 39, lines 1-9).

Regarding claim 13, Dureau '860 discloses, a computer readable medium, encoded with computer executable having a plurality of machine accessible instructions, wherein when the instructions are executed by a processor (see paragraphs 33-35 and Fig. 3, i.e. NG Receiver 340 providing multimedia content conversion/ transcending), the instructions provide for enabling a user to select a media item that the user desires to have

Art Unit: 2416

played on a particular rendering device on a network (see paragraph 33 lines 25-31 and Fig. 3, i.e. NG Receiver 340 processing user multimedia content requests received via device 352);

requesting the media item from a service provider (see paragraph 35 i.e. NG Receiver 340, receiving a request from devices 352 and forwarding the request to internet service provider via internet 371); receiving the media item (see paragraphs 35- 36 and Fig. 3, i.e. NG receiver 340 receiving HTML from the service provider, intended to PDA 352E and video image from camera 352B, then transmitting it to PDA352E);

determining whether the media item needs intelligent transcoding to be played on the particular rendering device(see paragraphs 35-36, 47 and Fig. 6 steps 602-606, i.e. NG receiver 340 determining whether to transcode received data by determining the target format(format supported by the device 352) and received data format, notice, Dureau' 860 also teaches this limitation on paragraph 34, lines 12-15 “ *Receiver 340 may then offer the transcoding required for devices 352 to communicate and exchange data one another, as well as with external location such as via internet 371*”).

wherein if the media item needs intelligent transcoding, then intelligently transcoding the media item(see paragraphs 34-36, 47 and Fig. 6 steps 606-612, i.e. based on the decision made on step 606, if transcoding is required transcoding the received data step 612),

Art Unit: 2416

wherein intelligent transcoding includes **at least one of** transcoding, transcaling, transrating, transformatting, and transrating(see paragraphs 34-36, 47 and Fig. 6 steps 602 -612, i.e. NG receiver 340 transcoding, transformatting and transrating, if received multimedia content is not supported by devices 352, notice, since the alternative word **at least one of** is used examiner equates applicants *intelligent transcending* as Dureau' 860's transcoding/transformatting/transrating) and streaming the media item to the particular rendering device(see paragraph 36 and Fig. 3, i.e. NG Receiver 340 receiving video stream from camera 352B, change the format and then transmit to PDA352E).

Regarding claim 14, Dureau '860 discloses, wherein determining whether the media item needs intelligent transcoding to be played on the particular rendering device further comprises determining whether intelligent transcoding can be performed (see paragraph 34 and 47, and Fig.6 steps 606- 610 , i.e. checking if received media format is supported at step 610).

Regarding claim 15, Dureau '860 discloses, wherein determining whether intelligent transcoding can be performed comprises: determining whether the format of the media item can be transcoded(see paragraph 34, Fig 6 step 606 “ Transcode required? ”); determining whether a required platform usage to perform intelligent transcoding is available(see paragraph 40, control unit 302 executes operating system stored in memory 304, therefore, control unit 302 determines the platform needed for transcoding); and determining whether there is enough bandwidth on the network to

Art Unit: 2416

perform intelligent transcoding(paragraph 35, lines 34-38, control unit 302 determine communication link bandwidth between receiver 12 and PDA352E).

Regarding claim 16, Dureau '860 discloses, wherein determining whether the format of the media item can be transcoded comprises using a rules engine to look up rules (Fig 3, Memory subsystem 304, stores software and protocols), based on policy, to determine whether the format of the media item can be transcoded (Fig 3, Control Unit 302 determines, whether transcoding is necessary using the rules stored in memory system 304).

Regarding claim 17, Dureau '860 discloses, wherein determining whether the media item needs intelligent transcoding to be played on the particular rendering device includes determining device capabilities for the particular rendering device (Fig 6, step 604, "Determine target format") and determining whether the media format of the media item can be played on the particular rendering device (Fig 6, steps 606, see also paragraph 47).

Regarding claim 18, Dureau '860 discloses, wherein control points and discovery methods are used to determine the device capabilities (see paragraph 46, receiver 12 uses a plug- and- play functionality to discover new device capability).

Regarding claim 20, Dureau '860 discloses, wherein the transcaling comprises changing the resolution of the media item(see paragraph 36, lines 16-22, note: changing

Art Unit: 2416

a video image from camera 352B to still picture, so that it can be displayed on the PDA352E requires a resolution change).

Regarding claim 21, Dureau '860 discloses, wherein the transrating comprises changing or reducing the bitrate of the media item (paragraph 35, lines 34-38, Note: by compressing the received data receiver 340 achieve data bit rate reduction).

Regarding claim 22, Dureau '860 discloses, wherein the transcoding comprises converting the format of the media item into another media format (paragraph 37, Receiver 340 changes the received signal/data format, into another format if it's necessary).

Regarding claim 23, Dureau '860 wherein the transformatting comprises converting packaging of the media format to another media packaging format (see paragraph 39, lines 1-9).

Regarding claim 25, Dureau '860 discloses, a conversion engine comprising: a policy manager to provide rules defining applicable media formats in which a particular media format can be transcoded (see paragraphs 40, 42 and Fig. 4, i.e. the memory system 304 stores operating systems, Protocols(rules) and driver software's , which can be used for transcoding);

Art Unit: 2416

a transport manager(see Fig. 4, i.e. Control Unit 302) to gather information from the policy manager(see paragraph 41 and Fig. 4, i.e. control unit 32 executing the software stored in memory 304), to determine network throughput(see paragraph 35, i.e. control unit 302 determining communication link bandwidth between receiver 12 and PDA352E) and platform usage required to perform intelligent transcoding(see paragraph 40, i.e. control unit 302 executes operating system stored in memory 304, thus, control unit 302 is capable of determining platform needed for transcoding) and to communicate with an application to provide device characteristics and policy information to a graph manager(see paragraph 44, lines 4-17, i.e. control unit 302 receives data, and if the data needs to be transcoded forward the data to the transcoder 310 with the receiver ID),

wherein intelligent transcoding includes **at least one of** transcoding, transcaling, transrating, transformatting, and transcribing (see paragraphs 34-36, 47 and Fig. 6 steps 602 -612, i.e. NG receiver 340 transcoding, transformatting and transrating, if received multimedia content is not supported by devices 352, notice, since the alternative word **at least one of** is used examiner equates applicants *intelligent transcending* as Dureau' 860's transcoding/transformatting/transrating);

to transform a media format from a service provider to another media format for a rendering device for playing media on the rendering device(see paragraph 35 lines 12-38, i.e. if the data format from the Web is not supported by the PDA352E receiver 340 transcode/tranform the data and forward it to the PDA352E),

wherein the graph manager puts together an infrastructure for intelligent transcoding and enables intelligent transcoding to be performed (see paragraph 43 and Fig.5, i.e. transcode subsystem 310).

Regarding claim 29, Dureau '860 discloses, a back channel manager to communicate out of band commands to applications (see Fig.1, i.e. Back Channel 26).

Regarding claim 30, Dureau '860 discloses, wherein the policy manager determines a required platform usage for a particular media format conversion(see paragraph 40, control unit 302 executes operating system stored in memory 304, therefore, control unit 302 is capable of determining platform needed for transcoding).

Regarding claim 31, Dureau '860 discloses, a home network comprising (see paragraph 33 and Fig. 3, i.e. building 370/ viewer's home): a controller (see Fig 3, i.e. NG Receiver 340) to control the flow of digital multimedia content from one or more service providers (see paragraph 33 and Fig. 3, i.e. NG Receiver 340 communicating with service provider via Internet 371 and satellite 360);

a plurality of rendering devices coupled to the controller (see Fig. 3, i.e. devices 352A-352E communicating with the NG Receiver 340), to play the digital multimedia content (see Fig. 3, PDA352E, TV 352 or Monitor 352D); and a media renderer to connect one or more of the plurality of rendering devices to the controller (see paragraph 33 and Fig.3 i.e. Receiver 352E);

wherein the controller comprises an intelligent transcoding engine (see Fig. 4, i.e. Transcode Subsystem 310)to intelligently transcode the digital multimedia content from an original media format to a format suitable for at least one of the rendering devices(see paragraphs 34-36, i.e. NG Receiver 340 transcoding data received from the Web and then forwarding it to PDA352E),

wherein to intelligently transcode comprises **at least one of** transcoding, transcaling, transrating, transformattng, and transcribing (see paragraphs 34-36, 47 and Fig. 6 steps 602 -612, i.e. NG receiver 340 transcoding, transformattng and transrating, if received multimedia content is not supported by devices 352, notice, since the alternative word **at least one of** is used examiner equates applicants *intelligent transcending* as Dureau' 860's transcoding/transformattng/transrating).

Regarding claim 32, Dureau '860 discloses, wherein the controller comprises **at least one** of a media center, a set top box, a personal computer, a home server, and a workstation (see paragraph 33 and Fig. 3, i.e. Devices 352A-352E).

Regarding claim 33, Dureau '860 discloses, wherein the one or more rendering devices connected to the controller by the media renderer (Fig 3, Receiver 352E) are incapable of directly connecting to the controller (Fig 3, Receiver 352E the monitor is connected to NG Receiver via Receiver 352E).

Regarding claim 35, Dureau '860 discloses, wherein the transcoding comprises converting the format of the digital multimedia content into another media format (Fig 6, steps 604 -610, paragraph 47).

Regarding claim 36, Dureau '860 discloses, wherein the transcaling comprises changing the resolution of the media item(see paragraph 36, lines 16-22, note: changing a video image from camera 352B to still picture, so that it can be displayed on the PDA352E requires a resolution change).

Regarding claim 37, Dureau '860 discloses, wherein the transrating comprises changing or reducing the bitrate of the media item (paragraph 35, lines 34-38, Note: by compressing the received data receiver 340 achieve data bitrate reduction).

Regarding claim 38, Dureau '860 wherein the transformatting comprises converting packaging of the media format to another media packaging format (see paragraph 39, lines 1-9).

Claim Rejections – 35 USC§ 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 7 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau '860 in view of Sull et al (US 2002/0069218 A1).

Regarding claim 7, Dureau '860 failed to teach, wherein a metadata server is used to determine the device capabilities.

Sull '218 teaches wherein a metadata server is used to determine the device capabilities (see paragraph 57 and 58, i.e. using metadata to learn about a device and a user).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using metadata server to learn about the device capabilities as taught by Sull '218 into the NG Receiver of Dureau '860, in order to determine the user's trends or patterns that can be used to predict future viewing preferences, since such method is suggested by Sull '218(see paragraph 57).

Regarding claim 19, Dureau '860 failed to teach, wherein a metadata server is used to determine the device capabilities.

However, Sull '218 teaches, wherein a metadata server is used to determine the device capabilities (see paragraph 57 and 58, i.e. using metadata to learn about a device and a user).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using metadata server to learn about the device capabilities as taught by Sull '218 into the NG Receiver of Dureau '860, in order to determine the user's trends or patterns that can be used to predict future viewing preferences, since such method is suggested by Sull '218(see paragraph 57).

8. **Claims 12, 24 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau '860 in view of Safadi (2003/0126086 A1).

Regarding claim 12, Dureau '860 failed to teach, wherein the transcribing comprises converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme.

Safadi '086 teaches, wherein the transcribing comprises converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme(see paragraph 33 -39, Safadi ' 086 teaches a process of changing an original DRM scheme into native DRM scheme).

Art Unit: 2416

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(see paragraph 44).

Regarding claim 24, Dureau '860 failed to teach, wherein the transcribing comprises instructions for converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme.

Safadi '086 teaches, wherein the transcribing comprises converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme(see paragraph 33 -39, Safadi ' 086 teaches a process of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer

Art Unit: 2416

device regardless of the DRM scheme, since such a method is suggested by Safadi '860(paragraph 44).

Regarding claim 39, Dureau '860 failed to teach, wherein the transcribing comprises instructions for converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme.

Safadi '086 teaches, wherein the transcribing comprises converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme(see paragraph 33 -39, Safadi ' 086 teaches a process of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(paragraph 44).

9. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau '860 in view of Amini et al (US 6581102 B1).

Regarding claim 26, Dureau '860 discloses, wherein the graph manager comprises: a demultiplexer to separate the media input into video and audio components (see paragraph 39 and Fig 5, element 530B); a decode/encode to decode the video and audio components and intelligent transcode the video and audio components based on the infrastructure generated by the graph manager (Fig 5, transcode subunits 520, see also 44)

Dureau '860 is silent on, a capture filter to capture media input; and a network filter to filter the media data for streaming to the rendering device.

Amini '102 teaches, a capture filter to capture media input; and a network filter to filter the media data for streaming to the rendering device(see column 16, lines 5-28, see also column 3, lines 15-68, Amini discloses a method of creating filter on the receiving ports, and using filters to send streaming data to the network) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of creating filters at the input port and output port of communication device as taught by Amini '102 into the transcoder subsystem 310 of Dureau '860, in order to enhance the ability of a media processing system to store and stream various media formats under a variety of conditions.

Dureau '860 and Amini '102 do not explicitly teach, a multiplexer to combine the transcoded video and audio components into media data

However, Dureau '860 teaches a multiplexor that multiplexes audio / video signals on the transmitting side (see Fig 2, Multiplexor 220, see also paragraph 30)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using a multiplexor for multiplexing audio and video signals from Fig. 2 of Dureau '860 into the transcoder subsystem 310 of Dureau '860 Fig. 5, in order to combine the transcoded video and audio signals.

10. **Claims 27 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau '860 and Amini '102 as applied to claims **25 and 26** above, and further in view of Crouch et al (US 2004/0207724 A1).

Regarding claim 27, Dureau '860 and Amini '102 failed to teach, wherein the media data is streamed using HTTP (Hypertext Transport Protocol).

Crouch '724 teaches, wherein the media data is streamed using HTTP (Hypertext Transport Protocol) (see paragraph 24, Crouch '724, teaches using HTTP for media streaming purposes).

Art Unit: 2416

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using HTTP to stream media data as taught by Crouch '724 into the modified transcoder subsystem 310 of Dureau '860, in order to switch a live stream to new media stream, since such a method is suggested by Crouch '724 (paragraph 25).

Regarding claim 28, Dureau '860 and Amini '102 failed to teach, wherein the media data is streamed using RTP (Real-Time Transport Protocol).

However, Crouch '724 teaches, wherein the media data is streamed using RTP (Real-Time Transport Protocol) (paragraph 24, Crouch '724, teaches using HTTP for media streaming purposes).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using RTP to stream media data as taught by Crouch '724 into the modified transcoder subsystem 310 of Dureau '860, in order to switch a live stream to new media stream.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2416

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, Sezer et al (US 6959116 B2), Brooks et al (US 7047305 B1), Zhang et al (US 2004/0111749 A1), Dak Cabto et al (US 2003/0217166 A1), Ludtke et al (US 6421069 B1) to show a transcoding system, since such a method is suggested by Crouch '724 (paragraph 25).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AWET HAILE whose telephone number is (571)270-3114. The examiner can normally be reached on Monday through Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOE AUNG can be reached on (571)272-3474. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2416

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2416

/AWET HAILE/
Examiner, Art Unit 2416